

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

JAMES RIVER EQUIPMENT, VIRGINIA, LLC,

Plaintiff,

v.

CIVIL ACTION NO. 5:13-cv-28160

JUSTICE ENERGY COMPANY, INC.,

Defendant.

**ORDER**

The Court has reviewed the *Joint Stipulation of Dismissal with Prejudice and Reservation of Appellate Rights as to Sanction Issued by Court Against Justice Energy Company, Inc.* (Document 92), wherein the parties jointly agree to dismiss the above-styled action with prejudice and the Defendant expressly reserves its right to appeal the Court's sanction order. For reasons appearing to the Court, and based on the procedural posture of the action, the Court **CONSTRUES** the *Joint Stipulation* as a motion to dismiss, and **ORDERS** that the same be **HELD IN ABEYANCE**.

The Defendants appealed this Court's *Order* (Document 67) imposing sanctions in the amount of \$1,230,000 and the *Memorandum Opinion and Order* (Document 72) denying the Defendant's motion to alter the judgment, arguing that the nature of the contempt was criminal rather than civil. On July 11, 2017, the Fourth Circuit issued an unpublished opinion (Document 86) dismissing the appeal and holding that the contempt was indeed civil in nature, thus making the action an interlocutory appeal and barring the Fourth Circuit's jurisdiction. This Court,

therefore, **ORDERS** the Defendant, Justice Energy Company, Inc., to advise the Court **within 15 days of the entry of this Order** as to the status of the payment of sanctions pending against it.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: October 30, 2017



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA